IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA BRUNSWICK DIVISION

LONNIE DENNIS,

Petitioner,

٧.

CIVIL ACTION NO.: CV210-070

ANTHONY HAYNES, Warden, UNITED STATES BUREAU OF PRISONS; and UNITED STATES PAROLE COMMISSION,

Respondents.

ORDER

After an independent and *de novo* review, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Lonnie Dennis ("Dennis") asserts that the Magistrate Judge disregarded Weaver v. Graham, 450 U.S. 24 (1981). In Weaver, the United States Supreme Court found a Florida law, which created a "new formula for monthly gain-time deductions", 450 U.S. at 26, void as applied to the petitioner, as he committed the crime for which he was convicted before this statute's effective date. 450 U.S. at 36. The Supreme Court's decision in Weaver focused on a state's passage of a statute which violated *ex post facto* principles. In contrast, Dennis presents to this Court an issue involving a federal agency's (the United States Parole Commission) interpretation of a statute. Dennis was informed by the Eleventh Circuit Court of Appeals that 28 C.F.R. § 2.35(b), which extinguishes a parolee's good time credits based on the acceptance of

parole, has been upheld by that Court in <u>Booth v. United States</u>, 996 F.2d 1171, 1173 (11th Cir. 1993), as a reasonable interpretation of regulations by the Parole Commission. <u>Dennis v. United States Bureau of Prisons</u>, 325 F. App'x 744, 748 (11th Cir. 2009). The merits of Dennis' claims have been decided in the Eleventh Circuit, and his petition is successive. Even if Dennis' petition were not successive, his petition would fail on the merits.

The Magistrate Judge's Report and Recommendation, as supplemented herein, is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Dennis petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this day of

2011.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA